

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADRIAN E. FALLINGS,	:	CIVIL ACTION NO. 1:20-CV-1739
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SGT. MARTELL,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 27th day of January, 2021, upon consideration of plaintiff's complaint (Doc. 1) and in accordance with the memorandum of the same date, it is hereby ORDERED that:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is GRANTED.
2. Plaintiff shall pay the full filing fee of \$350.00 based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at plaintiff's place of confinement, is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or
 - b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 983, Harrisburg, Pennsylvania, 17108, to be credited to the above-captioned docket number. In each succeeding month, when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees

are paid. Each payment shall reference the above-captioned docket number.

3. The Clerk of Court is DIRECTED to send a copy of this order to the Superintendent/Warden of the institution where plaintiff is presently confined.
4. The complaint is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
5. Plaintiff shall within thirty (30) days from the date of this order file an amended complaint that addresses the deficiencies identified in the court's memorandum. Failure to comply will be deemed abandonment of this action, and plaintiff's action will be subject to dismissal with prejudice without further warning.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania